REMARKS

This amendment is being filed in response to an Office Action mailed 04/04/2006, in which the Examiner the that claims 37-62 were pending but rejected, and that claims 38-49 and 31-62 were objected to. In this amendment, claims 37-44, 46-48, and 50-62 are amended to overcome rejections and objections given by the Examiner, and other rejections are traversed below.

Objection to the Specification

The Examiner said that the specification was objected to as failing to provide proper antecedent basis for the claimed subject matter, in that the limitation of a "file update partition" was not described. In this amendment, this limitation is corrected within the claims to read "update file partition," for which antecedent basis is provided within the specification.

Objection to the Drawings

The Examiner said that the drawings were objected to as not showing multiple computers to be updated. A replacement drawing is included herewith for the approval of the Examiner, with additional computers 10 being added. It is noted that support for this change is found in the specification as originally filed on page 10, lines 26-28.

Objections to the Claims

The Examiner said that claims 38-49 and 51-62 were objected to because the limitation "the protected partition is found to match a portion" in claims 38 and 51 is not grammatically correct. In this amendment, this phrase is changed to read, "when a portion of the information stored in the protected partition is found match a portion of the information stored within the file update partition, overwriting the portion of the information stored in the protected partition with the portion of the information stored in the file update partition if space around the matching portion

is sufficient." It is believed that this modification corrects the grammatical problem, so withdrawal of the objection is respectfully requested.

Claims Rejected under 35 USC §112

5   In the above-mentioned Office Action, the Examiner said that claims 37-49 and 51-62 were rejected under 35 USC §112, first paragraph, as failing to comply with the written description requirements, in that the claims specify a "file update partition," while the specification only supports a "update partition file." In this amendment, each instance of "file update partition" is corrected to read "update

10   partition file." Support for this modification is found in many places within the specification, including, for example, the indication on page 8, line 22, that FIG. 2 is a pictorial view of an update partition file.

The Examiner also said that claims 37-62 were rejected under 35 USC §112,

15   second paragraph as being indefinite.

Regarding claim 37, the Examiner said that this claim recites the limitation "the predetermined location" without sufficient antecedent basis. In this amendment, this is changed to "a predetermined location."

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Regarding claims 37-38 and 51, the Examiner said that these claims recite the limitation "the a file update partition." In this amendment, this was changed to read "an update partition file" in the first instance, and "the update partition file" thereafter, with the sequence of wording also being corrected as explained above

25   regarding the rejection of these claims under 35 USC §112. Additionally, in this amendment, claims 38 and 51 are corrected to indicate that the comparison is between information stored in the protected partition, not the update partition, and the update partition file. Support for this change is found in the specification as originally filed on page 17, lines 27-28, relating to the step 164, shown in FIG.

30   6A, in which the protected partition is traversed to find a matching entry.

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Regarding claims 42 and 43, the Examiner said that these claims recite the limitation "the update partition file" with insufficient antecedent basis. In this amendment, antecedent basis is provided by changing the wording in other places from "file update partition" to "update partition file," again as explained above regarding the rejection of these claims under 35 USC §112.

Regarding claim 44, the Examiner said that this claim recites a limitation "the protected file partition," for which there is insufficient antecedent basis. In this amendment, this limitation is changed to read "the protected partition."

Regarding claims 48, 51, and 61, the Examiner said that these claims recite the limitation the "update partition," for which there is insufficient antecedent basis. In this amendment, claims 48, 51 and 61 are corrected to indicate that the comparison is between information stored in the protected partition, not the update partition, and the update partition file. Support for this change is found in the specification as originally filed on page 17, lines 27-28, relating to the step 164, shown in FIG. 6A, in which the protected partition is traversed to find a matching entry.

Regarding claim 53, the Examiner said that this claim also recites the limitation "the update partition," for which there is insufficient antecedent basis. In this amendment, this is corrected to read "the update partition file."

Regarding claim 50, the Examiner said that this claim included limitations, "the update partition information" and "the nonvolatile storage," for which there is insufficient antecedent basis. In this amendment, these phrases have been changed to "the update partition file" and "the nonvolatile data storage," respectively.

Regarding claims 55, 56, 59, and 60, the Examiner said that these claims recite the limitation "the setup password," for which there is insufficient antecedent basis. In this amendment, this is changed to "a setup password" in claims 55 and 59. In claims 56 and 60, antecedent basis is provided within claims 55 and 59, upon which claims 56 and 60 depend, respectively.

Regarding claim 57, the Examiner said that this claim contains the limitation "the protected file partition," for which there is insufficient antecedent basis. In this amendment, this is changed to "the protected partition."

Regarding claims 51-62, the Examiner said that these claims were rejected for being directed towards both a system and a method. In this amendment, these claims are corrected to be directed toward a method.

Claims Rejected under 35 USC §101

The Examiner further said that claims 51-62 were rejected under 35 USC §101 as being directed to non-statutory subject matter, being directed towards both a system and a method. In this amendment, these claims are corrected to be directed toward a method.

Claims Rejected under 35 USC §103

In the above-mentioned Office Action, the Examiner also said that claims 37 and 50 were rejected as being unpatentable over U.S. Pat. No. 6,026,016 to Gafken, in view of U.S. Pat. No. 5,128,995 to Arnold et al., and further in view of the "Handbook of Applied Cryptography," by Menezes et al., hereinafter referred to as Menezes.

In his *Response to Arguments* in the above-mentioned Office Action, the Examiner indicated that the Applicants' argument that Gafken and Hasbun did not disclose forming a protected partition within a hard disk drive, but that this

argument was moot in view of a new ground of rejection. This new ground of rejection is understood to be the application of the teachings of Arnold et al. to those of Gafken, since the teachings of Arnold et al. are relied upon by the Examiner as prior art for forming a protected partition within a hard disk drive.

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However, the Applicants respectfully submit that a prima facie case of obviousness cannot be made by combining the teachings of Gafken and Arnold et al. to form the Applicants' invention because Gafken teaches against such a combination, indicating in column 3, lines 56-59, that the system may also

10 include a hard disk drive, while the method described by Gafken is still applied not to data stored within the hard disk drive, but rather to data stored within the block of memory cells external to the hard disk drive.

Regarding a reference teaching away from an invention, the Applicants cite *In re*

15 *Gurley,* 31 USPQ2d 1130, 1131 (Fed. Cir. 1994):

> "A reference may be said to teach away when a person of ordinary skill, upon reading the reference, would be discouraged from following the path set out in the reference, or would be led in a direction divergent from the path that was taken by the applicant."

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The Examiner also said that claims 38-43 and 51-56 were rejected under 35 USC §103(a) as being unpatentable over the combination of Gafken, Arnold et al., and Menezes, and further in view of U.S. Pat. No. 6,088,759 to Hasbun et al. It is noted that adding Hasbun et al. to the combination of Gafken, Arnold et al.,

25 and Menezes does not overcome the teaching of Gafken against the formation of such a combination, as described above regarding the rejection of claims 37 and 50. Since these dependent claims merely add limitations to claims 37 and 50, it is believed that claims 38-43, 51-56, and additionally claim 62 are patentable over the combination of Gafken, Arnold et al., and Menezes, and further in view

30 of Hasbun et al.

The Examiner further said that claims 44-58 and 57-61 were rejected under 35 USC §103(a) as being unpatentable over the combination of Gafken, Arnold et al., and Menezes and further in view of U.S. Pat. App. Pub. No. 2001/0039651A1 to Hayashi et al. The Examiner also said that Gafken, Arnold et al., and Menezes failed to disclose encrypting portions of the file separately and verifying each portion individually, but that Hayashi et al teaches a method for providing a variety of software safety by breaking the file into pieces and decrypting each piece separately.

The Applicants respectfully submit that Hayashi et al. merely describes a method for decrypting encoded source code in units so that portions of the decrypted data can be erased before the rest of the data is decoded. The chances of decrypted data being stolen are reduced by the fact that the entire decrypted data is never simultaneously available. The Applicants admit that the idea of decrypting code in blocks or units is known to be hundreds of years old. The nature of the technique used for encryption would generally require that decryption would be done in this way. However, Hayashi et al. does not disclose a process for verifying the identity or origin of the decrypted source code units, and the Applicants respectfully submit that this is the key part of the Applicants' invention as recited in claim 44. Furthermore, in conventional authentication by digital signatures, as described, for example, by Menezes, a single digital signature is used to verify an entire message; individual digital signatures are not used to verify individual blocks of data.

In the computer system of the Applicants' invention, individual entries are received and stored, being individually authenticated before they are stored within the protected partition. These individual entries may be combined before they are transmitted or after they are received. They may include valid entries and invalid entries. With the Applicants' invention, the valid entries are verified

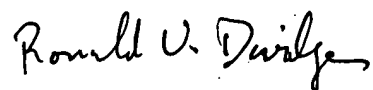and stored within the protected partition; the invalid entries are not.

Therefore, the Applicants respectfully submit that the combination of Gafken, Arnold et al., Menezes, and Hasbun and further in view of Hayashi et al. does not teach, describe, or otherwise anticipate the requirements of claims 44 and 57 for the method to include verifying whether each entry in the plurality of entries within the update partition file has been generated by the server system. For this reason, and additionally because claims 44 and 57 merely add limitations to claims 37 and 50, respectively, which are believed to be patentable as discussed above, the Applicants submit that claims 37 and 57 are patentable over the combination of Gafken, Arnold et al., Menezes, and Hasbun and further in view of Hayashi et al.

Because claims 43-48 and 58-61 merely add limitations to claims 37 and 57, respectively, it is additionally believed that these dependent claims 43-48 and 58-61 are patentable over the combination of Gafken, Arnold et al., Menezes, and Hasbun and further in view of Hayashi et al.

Conclusions

For the reasons described in detail above, the Applicants respectfully submit that the Application, including claims 37-62 is now in condition for allowance, and that action is respectfully requested, with reconsideration and withdrawal of all reasons for rejections and objections.

Respectfully submitted,

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